

DOCKET FILE COPY ORIGINAL

ORIGINAL

Before the
Federal Communications Commission

RECEIVED

OCT 10 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BIENNIAL REGULATORY REVIEW 2000
STAFF REPORT

00-175

COMMENTS
WORLD COM, INC.

Introduction

WorldCom Inc., ("WorldCom") hereby submits its comments in response to the Biennial Regulatory Review 2000 Staff Report ("Staff Report"), released September 18, 2000.

WorldCom's comments will be brief inasmuch as most of the possible rule changes have recently been made or are currently being considered in ongoing dockets. WorldCom does not object to the limited nature of rule elimination proposed in the Staff Report. Rather, it appears that the Commission has integrated a review of its regulations into its ongoing work.

Part I, Subpart E, 47 C.F.R. 1.716-718.

The staff recommends that the Commission consider modifying its informal complaint rules to specify the documentation consumers must file with the Commission to complete their complaints, and to specify a time frame for carriers to respond to an informal complaint.¹

WorldCom agrees that the Commission should review its rules with respect to the documentation necessary for consumers to file an informal complaint under 47 C.F.R. 1.716. Oftentimes, carriers are served with a complaint that sets out the customer's allegations, but lacks basic documentation, such as the customer's invoice reflecting the allegedly incorrect charge. This significantly increases the time and resources needed to resolve the customer's complaint.

In addition, while the rules themselves do not prescribe a time by which a response to an informal complaint is required, the Commission currently gives carriers thirty days for response. Indeed, the carrier must advise the Commission, in writing, that it has satisfied the complaint or of its refusal or inability to do so "within such time as may be prescribed." This approach has been established for some time and allows the Commission flexibility to extend the time limit when necessary. For example, in a House Government Reform panel on October 6, 2000, Chairman Kennard, in written testimony, indicated that because of a Y2k glitch and lack of staff resources, the Commission's "backlog of informal complaints reached a staggering 154,000." Because of the age of these complaints (some well over a year old) and the late service date, carriers have been forced to attempt to retrieve archived, and sometimes purged, information which takes much longer to obtain than research for a newer (less than 30 days old) complaint. Rather than

¹Staff Report at ¶ 167.

prescribe a maximum 30 days to respond to informal complaints, the Commission should retain flexibility in its rules to allow carriers additional time for response-particularly where service of the complaint is so far after the date the customer filed the complaint. WorldCom also requests that the Commission work to increase the speed at which it notifies carriers that an informal complaint has been filed. This would also work to ensure a more timely handling of complaints.

Part 25

The Staff Report recommended that the Commission commence a Notice of Proposed Rulemaking (NPRM) seeking comment on industry proposals for comprehensive changes in the earth station licensing process. WorldCom supports this recommendation.

Part 54, Subpart F

The Staff Report recommended that the Commission consider modifying Part 54 to require applicants to file appeals with USAC in the first instance unless the appeals raise new or novel questions of fact, law, or policy. WorldCom sympathizes the Commission's desire to reduce its work load. The number of appeals filed by schools and libraries in response to USAC denials has been dramatically large. And, it is true that the Commission generally affirms USAC's decision. However, WorldCom does not believe requiring schools and libraries to appeal first with USAC will streamline the process. Schools and libraries will still retain the right to appeal to the Commission if they receive an unfavorable decision from USAC. In fact, they have appealed in the current situation because they have already received an unfavorable decision by USAC. The Commission's proposal seems more designed to make appeals more cumbersome for applicants than establishing a more efficient administrative process. A more fruitful approach

might involve clarifying the nature of eligible and ineligible services, and establishing more effective outreach and education concerning this program.

Part 63

The Staff Report recommended that the Commission extend the detariffing regime adopted for domestic interexchange services to the international services of non-dominant interexchange carriers, including Commercial Mobile Radio Service providers and U.S. carriers classified as dominant solely because of foreign affiliations. WorldCom urges the Commission to adopt this proposal at soon as possible.

Part 64, Subpart G

The Staff Reports notes that the Commission tentatively concluded that the CPE market is sufficiently competitive to justify eliminating this restriction.² WorldCom urges the Commission to quickly rule that non-dominant carriers are permitted to bundle CPE with their telecommunications services.

Part 64, Subpart T

The Staff Report recommended that the Commission modify subpart T to provide for triennial review of the requirement that independent incumbent LECs provide interexchange service through a separate affiliate. WorldCom opposes this proposal. The Staff Report does not offer any justification for it. The purpose of the separate affiliate requirement is not only to prevent incumbent local exchange companies (ILECs) from exercising market power in the long

²Policy and Rules Concerning the Interstate, Interexchange Marketplace; 1998 Biennial Review - Review of Customer Premises Equipment and Enhanced Services Unbundling Rules in the Interexchange, Exchange Access and Local Exchange Markets, Further Notice of Proposed Rulemaking, FCC Rcd 21531 (1998).

distance market, it is also to prevent incumbent LECs from exercising market power in their local markets to gain an unfair advantage for their long distance service offerings. As the Staff Report indicates, ILECs retain overwhelming market power in local markets, without regard to whether the ILEC is a Regional Bell Holding Company or an Independent LEC.

Conclusion

For the reasons discussed above, WorldCom urges the Commission to adopt its recommendations in response to the Staff Report.

Respectfully submitted,
WorldCom, Inc.

Lawrence Fenster

Lawrence Fenster
WorldCom, Inc.
1801 Pennsylvania Ave., NW
Washington, DC 20006
(202) 887-2180

October 10, 2000

Statement of Verification

I have read the foregoing and, to the best of my knowledge, information and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on October 10, 2000

Respectfully submitted,

Lawrence Fenster

Lawrence Fenster
WorldCom, Inc
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006
202-887-2180

Service List

I, Barbara Nowlin, do hereby certify that a copy of WorldCom's Comments has been sent by United States first class mail, postage prepaid, hand delivery, to the following parties on this 10th day of October, 2000.

Sheryl Todd
Accounting Policy Division
Common Carrier Bureau, 445 12th St. S.W.,
Washington, D.C. 20554
(3 copies)

International Transcription Service*
1231 20th St., N.W.
Washington, DC 20037

Barbara Nowlin

Barbara Nowlin

*Hand Delivered